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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,803	12/14/2001	Yvon Bedard	P 284138 RP-00162-US2	1651

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EXAMINER

LUM, LEE S

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,803

Applicant(s)

BEDARD ET AL.

Examiner

Ms. Lee S. Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-5, 7 and 9 is/are objected to.
- 8) ☒ Claim(s) 1-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3611

DETAILED ACTION

1. An Amendment was filed 6/3/03.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. **Claims 1-9**, directed towards a snowmobile having a detachable windshield, classified in class 180, subclass 288.4.
 - II. **Claims 10-30**, directed towards a detachable windshield, classified in class 286, subclass 77.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a snowmobile does not require a detachable windshield for proper operation. The subcombination has separate utility such as inclusion in other vehicles such as motorcycles.

Because these inventions are distinct for the abovementioned reasons, and the search required for Invention I is not required for Invention II, restriction for examination purposes is proper.

In this Office Action, Claims 1-9 have been examined, being previously elected (with traverse) on 2/13/03 via phone.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3A. **Claims 1 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sykora 3819226 in view of Vetter 4087110.

Sykora discloses a snowmobile comprising
Chassis, motor, endless track, at least one ski connected to steering mechanism (all inherent),
Support frame (unidentified, inherent) mounted to the steering mechanism, and,
Windshield 12 comprising a transparent material (inherent), detachably mounted to the support frame via at least one locking structure (figs 4 and 5).

The reference does not disclose the support frame having at least two spaced-apart members which detachably mount the windshield, while Vetter shows this configuration with Spaced-apart frame members 122 (fig 9).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Vetter, to provide increased structural support for the windshield, and so withstanding environmental and travel conditions borne by the windshield. This feature increases safety and comfort of the user.

3B. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sykora in view of Vetter, and in further view of Risley 5832786.

The previous references do not disclose hand-protecting members, while Risley shows these elements attached to the steering mechanism (i.e., handlebars). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this components, as shown in Risley, to protect the user's hands from environmental and travel conditions, thus increase safety and comfort.

4. RESPONSE TO REMARKS

As indicated above, Examiner has reconsidered the restricted Claims. This new restriction requirement separates Claims 1-9 and Claims 10-30 into a combination, and subcombinations, respectively. Rationale for this new restriction is as follows. Claim 1 recites major components of a snowmobile, one component being a detachable windshield. Claims 10, 17, and 22 recite a detachable windshield. Both classification and search of one Invention are dissimilar for the other. Therefore, the restriction is proper. Examiner apologizes for any inconvenience.

The foregoing rationale is also applicable to Applicant's arguments on pp 10-11 re the propriety of the previous restriction of Claims 1-9 and 17-26, from Claims 10-16 and 27-30. Applicant is asked to refer to the MPEP, paragraph 806.5c, for the "Criteria of Distinctness for Combination, Subcombination". It is not required that the "bodies of the [dependent] claims...are word for word identical" (emphasis added) for this restriction to be proper. Only the independent claims need be considered to determine proper restriction. In this case, Claim 1 clearly recites a detachable windshield as one limitation, of other limitations, of a snowmobile. In contrast, Claims 10, 17 and 22 clearly recite details of the structure of a detachable windshield.

Examiner has provided new rejections for Claims 1, 6 and 8. Sykora discloses a "support frame mounted to the steering mechanism", as broadly recited in Claim 1. Although not specified, this configuration is clearly obvious, if not inherent, because, in a vehicle, including a snowmobile, a frame is mounted to the steering mechanism because the latter exists for the use of the driver, who is situated inside, or within the interior of, the vehicle. Additionally, the steering mechanism generally is shielded within a structural frame for proper operation and protection from environmental and travel conditions. Otherwise, there appears to be no special significance to this limitation. Sykora in view of Vetter and Risley shows other recited elements.

Applicant is asked to note allowable subject matter.

5. Claims 2-5, 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose a snowmobile comprising, inter alia, a plurality of locking members, each having a shaft connected at a first end of a support frame member, and corresponding receiving structures which releasably engage the locking members upon application of a predetermined force.

6. The prior art made of record, and not relied upon, is pertinent to the Applicant's disclosure: Yatagai et al 6561297, Atsuumi et al 6454037, Marier et al 5660245, Inagawa et al 5251718, Boyer et al 4633964, Fields et al 4249626, Bombadier 3993347.

7. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9 am-6 pm, M-F. Our fax numbers are (703) 872-9326, 872-9327 for after-final communications, and 308-2571 for faxes with prior notice given to the examiner. Any inquiry of a general nature, or relating to the status of this application/proceeding should be directed to Customer Assistance at (703) 306-5771.

Ms. Lee S. Lum
Examiner
8/6/03

